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# SOUTHERN POLITICS

By THOMAS SETTLE - Asheville, N. C.

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O Dixie-land, thy country, the hour  
Of thy pride and thy splendour has passed,  
And the chain which was spurned in thy moment of power,  
Hangs heavy around thee at last."

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These letters were written, and are now published in this form, at the request of a number of gentlemen who believe in the principles of the National Republican party. One primary object is to improve the condition of the Republican party in the South. Before this can be done it is essential to understand how the party came to its present condition.

The recommendation is, concerted action on the part of the delegates from the South, in the party's National Convention.

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“Breathes there a man with soul so dead,  
Who never to himself hath said,

    This is my own, my native land!  
Whose soul hath ne’er within him burned,  
As home his footsteps he hath turned,

    From wandering on a foreign strand!  
If such there breathe, go, mark him well,  
For him no minstrel raptures swell;  
High though his titles, proud his name,  
Boundless his wealth as wish can claim;  
Despite those titles, power, and pelf,  
The wretch, concentrated all in self,  
Living, shall forfeit fair renown,  
And, doubly dying, shall go down  
To the vile dust, from whence he sprung,  
Unwept, unhonored, and unsung.”

# Glory of the Civil War

"Two generations passed before the second great crisis of our history had to be faced. Then came the civil war, terrible and bitter in itself and in its aftermath, but a struggle from which the nation finally emerged united in fact as well as in name, united forever. Oh, my hearers, my fellow countrymen, great indeed has been our good fortune: for as time clears away the mists that once shrouded brother from brother and made each look 'as through a glass darkly' at the other, we can all feel the same pride in the valor, the devotion and the fealty toward the right as it was given to each to see the right, shown alike by the men who wore the blue and by the men who wore the gray. Rich and prosperous though we are as a people, the proudest heritage that each of us has, no matter where he may dwell, North or South, East or West, is the immortal heritage of feeling, the right to claim as his own all the valor and all the steadfast devotion to duty shown by the men of both the great armies of the soldiers whose leader was Grant and the soldiers whose leader was Lee. The men and the women of the civil war did their duty bravely and well in the days that were dark and terrible and splendid. We, their descendants, who pay homage to their memories and glory in the feats of might of one side, no less than of the other, need to keep steadily in mind that the homage which counts is the homage of heart and of hand, and not of the lips: the homage of deeds and not of words only. We, too, in our turn, must prove our truth by our endeavor. We must show ourselves worthy sons of the men of the mighty days by the way in which we meet the problems of our own time. We carry our heads high because our fathers did well in the years that tried men's souls and we must in our turn so bear ourselves that the children who come after us may feel that we, too, have done our duty." \* \* \* \* \*

"Each community must always dread the evils which spring up as attendant upon the very qualities which give it success. We of this mighty western republic have to grapple with the dangers that spring from popular self-government tried on a scale incomparably vaster than ever before in the history of mankind, and from an abounding material prosperity greater, also, than anything which the world has hitherto seen." \* \* \* \* \*

"It behooves us to remember that men can never escape being governed. Either they must govern themselves or they must submit to being governed by others. If from lawlessness or fickleness, from folly or self-indulgence, they refuse to govern themselves, then most assuredly in the end they will have to be governed from the outside. They can prevent the need of government from without only by showing that they possess the power of government from within. A sovereign cannot make excuses for his failures: a sovereign must accept the responsibility for the exercise of the power that inheres in him; and where, as is true in our republic, the people are sovereign, then the people must show a sober understanding and a sane and steadfast purpose if they are to preserve that orderly liberty upon which as a foundation every republic must rest."—(President Roosevelt, at opening of Jamestown Exposition).

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By THOMAS SETTLE, Asheville, N. C.

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" 'Tis a very good world that we live in,  
To lend, or to spend, or to give in,  
But to beg, or to borrow, or get a man's own,  
It's the very worst world, sir, that ever was known."

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The political conditions of the South are, at the present time, in a transition state, that is so far as the attitude of the Southern Democracy towards the National Democracy is concerned.

A spirit of unrest and dissatisfaction permeates Southern Democracy. This spirit, however, goes no further than a determination to dispute with the Democrats of other sections of the country the control of the party as to candidates, policy and platform in the next national convention. Widespread and intense as is this unrest and dissatisfaction of Southern Democrats with their national party, Southern Republicans have very little hope of materially increasing their vote in any Southern state. Why is it that causes which are abundantly sufficient to sever men's party affiliations in other sections of the country, and which do so operate, have no such effect in the South? Why is it that thousands of Southern men who do not believe in the principles of the national Democratic party, as those principles are speculatively known, and who do believe in the principles of the Republican party, persistently vote the Democratic ticket? These questions are easily answered to the satisfaction of any Southern man of intelligence and independent political views. He will tell you, and truthfully tell you, that he does not join the Republican party in his state for the reason that the Southern Republican household is in no condition to receive and entertain guests.

Whence comes it that Southern politics is at so low an ebb? that honest and patriotic men feel constrained to affiliate with a party in whose principles they do not believe, and that they are precluded from joining the Republican party?

Southern men are not alone responsible for the political conditions existing in the South. Southern Republicans are not alone justly to be held accountable for the condition of the Republican party in the South. What there is of a Republican party in the South is, perhaps, less their work than it is the work of Southern Democrats and certain Republicans of other sections of the country. In perfect candor and truth, it may be stated that there are not a great many of the leaders of the national party who are familiar with the Southern political conditions; and not a few who care very little, one way or the other, about the subject. It is to many of them a sealed book and one which they have not for years particularly cared to open, or to have opened for them. They have seen in Southern Republicanism the one and

only proposition of so many votes in a nominating convention. Time and again it has been proposed that even this representation in conventions should be reduced in proportion to the number of voters disfranchised by the election laws and practices in the South. If we allow a certain measure of patriotism and honest party purpose for these proposals and attempts, it must still be admitted that they have generally had a very practical political and party result for their object: to penalize the general political conduct of the South, Democrats and Republicans alike; and to strengthen the Republican party with the colored voters, and those having lingering sectional feelings in the doubtful states. Another object not to be ignored, was to check any symptoms of incipient independence in national conventions by Southern delegates; to hold the sword of Damocles over them; to threaten them with "the big stick," unless they were real good. These propositions have invariably been advanced on the eve of a national convention before which there was spirited contest for the nomination.

We cannot get a clearer conception of the views entertained, with reference to Southern politics by the controlling powers of the Republican party, than that expressed by Secretary Taft in his speech at the Republican convention in Greensboro.

"In my judgment, the Republican party of North Carolina would be much stronger as a voting party if all the federal offices were filled by Democrats. Of course, I cannot deny that a wish to fill public office is an honorable aspiration, whether by appointment or by election, but when all hope of choice by the people is abandoned, and everything is given over to influencing a distant appointing power to choose particular men to perform official functions in a community politically hostile to those men, the result is not good for the men or the community. The struggle for federal political office producing, as it does, jealousies and strifes and disappointments, paralyzes united effort to make the party strong at the polls and worthy of success. The men upon whose change of vote success in the election depends are not particularly interested in the success of one faction or another, but they are interested that their votes shall be cast for those candidates for local and state office whose character, devotion to duty, intelligence and ability will assure good local and state government, and for those representatives in the national congress who will faithfully and courageously carry out the high principles of the national Republican party with a due regard to the peculiar interests of the district and state they represent. As long, however, as the Republican party in the Southern states shall represent little save a factional chase for federal offices in which business men and men of substance in the community have no desire to enter, and in the result of which they have no interest, we may expect the present political conditions in the South to continue. I accept with confidence the assurances of your representatives that you expect to appeal to the business interests of your community, to the men who read aright the signs of the times, and who understand that the real hope of the South is in having a number of her states break from the Democratic column and assert their independence of past political traditions, in order that this section may be accorded that importance in national matters to which her



population, her wealth and intelligence entitle her. Republicans of North Carolina, in this great work of redeeming your state and your section from the present incubus of iron Democratic rule, your fellow Republicans of the entire country bid you God speed."

This is a clear, explicit and frank statement of the case from his view-point, and he is by no means alone in entertaining those views. It is in some of its features, a most severe arraignment of Southern Republicans; but not of them alone; an arraignment of a condition it is, and of every person who contributes to maintain that condition. It is not a passionate or partisan arraignment, nor is it made in anger or ill will. It was not made hastily, but after mature thought and deliberation, and was presumably submitted to the president, and met his approval, for Mr. Taft came direct to the convention from a visit to the president. It was not intended for strictly local or Southern consumption; the entire people of the United States composed his audience. The press of the country devoted much space to this notable address. If additional force could be added to the statements themselves, the personality of Mr. Taft and his official position in the government abundantly supplied that force.

The answers to this indictment, so far as I have been able to see them, have been meager, superficial, and have proceeded too much on partisan lines. Our Democratic friends of the South have seemed to rejoice in these severe strictures, for they freely used them from the stump in the last campaign, being apparently oblivious of the fact that they are themselves the recipients of a very large proportion of them, both in what is said and in the necessary and unavoidable inference and deduction.

Issue cannot be successfully joined on any statement of fact, or argument made by Secretary Taft, in the above quotation; but a wrong and misleading impression of Republican factionalism and the political perversity of the South generally, is left in the mind unless the research is carried far enough to ascertain the producing causes of these conditions he so graphically describes.

A political party is no more exempt from the influences of environment than an individual. In addition to this influence operating upon the Southern branch of the Republican party the treatment extended to them by their brethren of other sections of the country, and by the Republican administrations, when in power, must be considered. The two latter influences, in a broad sense, are embraced in the general term environment.

Mr. Elihu Root in his most excellent speech delivered before the Republican national convention in St. Louis in 1904, says:

"A great political organization, competent to govern, is not a chance collection of individuals brought together for the moment as the shifting sands are piled up by the winds and sea, to be swept away, to be formed and reformed again. It is a growth. Traditions and

sentiments reaching down through struggles of years gone and the stress and heat of old conflicts and the influences of leaders passed away, and the ingrained habit of applying fixed rules, rules of interpretation and thought—all give to a political party known and inalienable qualities from which must follow in its deliberate judgment and ultimate action like results for good or bad government.”

Let us in the clear light of this indisputably true principle governing the birth, growth and development of a political party view southern politics, particularly the southern branch of the Republican party.

Party lines were formed during the period of reconstruction upon an acute and intense basis. Southern Republicans, indeed, had but little, if any, influence in shaping the policy of the national party during that period, although vitally interested; for what was then done has visited its influence upon generations unborn at the time. The party in the South was almost hopelessly handicapped in the days of reconstruction by the course of Mr. Thaddeus Stevens and other leaders of the national party. Their dream of making the southern states permanently Republican by means of the colored vote, and the methods pursued in supposed furtherance of that dream, have proven a veritable nightmare to southern Republicans, and have incalculably retarded the growth of that party in that section.

After years of struggle, strife and intense feeling, seeing that the policy was a failure, in so far as it sought to put the southern states in the Republican column by the aid of the colored vote, the policy was entirely reversed and revolutionized. The sectional issue was raised, the “bloody shirt” was waived. The South, by some said never to have been out of the union, by other to have been readmitted upon the terms of the reconstruction acts, was in fact still on the outside, so far as any effective political action or influence was concerned. Then it became the policy to force the south solidly into the Democratic column, and, on the sectional issue to force the balance of the country, a majority in the electoral college, into the Republican column. This plan worked successfully for years. The southern Democrats helped to make it a success. In raising the sectional issue, they tried to outdo those Republicans in other sections who were engaged in that occupation. The result has been the undoing of the national Democratic party and practically the annihilation of all save the skeleton of the Republican party in the southern states. Indeed, it was essential to the success of the scheme that the Republican party of the South should not become a majority party, or even a very formidable rival at the polls. If the South had broken its solidity, other sections of the country would probably have left the Republican party.

Still another influence came into play in 1876. Then for the first time, southern politics became a subject of traffic, barter and exchange in the interest and behalf, incidentally at least, of a distinguished

son of the state of Ohio, Mr. Rutherford B. Hayes. The statement that Mr. Hayes received the votes of Louisiana, South Carolina and Florida in the electoral college, as a result of an agreement and understanding with southern Democrats whereby local Republicans were sacrificed, cannot be successfully assailed. If we admit that the disturbed condition of the country justified this arrangement, it was none the less a sacrifice of the local Republican party. Mr. Hayes appointed Governor Packard of Louisiana and Governor Chamberlain of South Carolina to lucrative federal offices, and this was doubtless a sufficient atonement made to them personally for any injury they sustained, but the injury done the Republican party in the South has never yet been atoned.

The local party has ever since worn the badge of inferiority, the stigma that was placed upon it in the days of reconstruction, and then again in 1876, by action and acquiescence of Republican leaders in other sections of the country.

I quote from Mr. John Sherman's "Autobiography," Vol. 1, p. 559. In a letter to Mr. Hayes written from New Orleans, where Mr. Sherman was attending the canvass of the votes, he says:

"That you would have received at a fair election a large majority in Louisiana, no man can question; that you did not receive a majority is equally clear. But that intimidation of the very kind and nature provided against by the Louisiana law did enter into and control the election, in more election polls than would change the result and give you the vote, I believe as firmly as I write this.—"

Let me quote from Mr. McCulloch's "Men and Measures of Half a Century," p. 420.

"—My own opinion at that time was, and still is, that if the distinguished Northern men who visited those states immediately after the election had stayed at home, and there had been no outside pressure upon the returning boards, their certificates would have been in favor of the Democratic electors—."

Again let me quote from Mr. Blaine's "Twenty Years in Congress," Vol. 2, p. 587.

"Meanwhile the capital and indeed the country, were filled with sensational and distracting rumors: First that the Democratic majority in the house would filibuster and destroy the count; second, that they agreed not to 'filibuster' by reason of some arrangement made with Mr. Hayes in regard to future policies in the South."

Again, from the same author and Vol. 2, pages 595-6-7:

"—Although his title had been in doubt until within forty-eight hours of his accession, he had carefully prepared his inaugural address. It was made evident by his words that he would adopt a new policy on the Southern question and upon the question of civil service reform. It was plainly his determination to withdraw from the South all national protection to the colored people, and put the white population of the reconstructed states upon their good faith and their

honor, as to their course touching the political rights of all citizens——.” \* \* \* \* \*

“The one special source of dissatisfaction was the intention of the president to disregard the state elections in the three states upon whose vote his own title depended. The concentration of interest was upon the state of Louisiana, where Governor Packard was officially declared to have received a larger popular majority than President Hayes. By negotiation of certain commissioners who went to Louisiana under appointment of the president, the Democratic candidate for governor, Francis T. Nichols, was installed in office, and Governor Packard was left helpless. No act of president Hayes did so much to create discontent within the ranks of the Republican party. No act of his did so much to give color to the thousand rumors that filled the political atmosphere, touching a bargain between the president's friends and some Southern leaders pending the decision of the electoral commission. The election of the president and the election of Mr. Packard rested substantially upon the same foundation. Many Republicans felt that the president's refusal to recognize Mr. Packard as governor of Louisiana furnished ground to his enemies for disputing his own election. Having been placed in the presidency by a title as strong as could be confirmed under the constitution and laws of the country, it was, in the judgment of the majority of the Republican party, an unwise and unwarranted act on the part of the president to purchase peace in the South by surrendering Louisiana to the Democratic party.” \* \* \* \* \*

“For postmaster-general the president selected David M. Key, of Tennessee. The selection of Mr. Key was made to emphasize the change of Southern policy which President Hayes had foreshadowed in his inaugural address. Mr. Key was a Democrat and personally popular. A Southern Democrat in a Republican cabinet presented a novel political combination. He was wise enough and fortunate enough to induce Hon. James N. Tyner, whom he succeeded as postmaster-general, to remain in the department as first assistant in order that Republican senators and representatives might freely communicate upon party questions; which Mr. Key delicately refrained from even hearing. The suggestion was made, however, by men of sound judgment, that in projecting a new policy towards the South, which was intended to be characterized by greater leniency in certain directions, it would have been wiser in a party point of view, and more enduring in its intrinsic effect, to make the overture through a Republican statesman of rank and celebrity.”

Still one other authority on this subject I wish to cite. Mr. Woodrow Wilson's “History of the American People,” Vol. 5, p. 112.

“To Mr. Hayes the tacit obligations of the situation were plain. He withdrew the federal troops from the South. The Republican governments of Louisiana and South Carolina were dissolved, and the Democratic government which had claimed the election quietly took their place. The Supreme Court of Florida obliged the return-

ing board of the state to accept the returns which had come to them from the disputed country, and a Democratic government came there also in power. The era of reconstruction was at an end."

It is true as stated by Mr. Taft, that in matters of federal patronage Southern Republicans have had to appeal to a distant appointing power; but the South is, in a point of mileage, no more distant from the appointing power than the states on the Pacific coast, and many other sections of our country. It will not be seriously contended, however, that the "distant appointing power" is as familiar with political conditions of the South as of the West, or has been as keenly alert and solicitous in regard to those conditions. Southern politics have not received the careful and patriotic thought and attention of the national leaders of either party. The South's strength in the electoral college has been regarded by the Democrats as something securely in possession, needing no cultivation to be kept, and by the Republicans as something unattainable, and therefore not sought. Southern Republicans have been treated by their national brethren as country cousins, and poor relations, placed at the banquet table out of reach of the salt, and left to take care of themselves as best they could.

It is not fair to censure Southern Republicans for their strife over federal patronage, when their national party has for years dealt with them only in connection with, and on the basis of, votes in national nominating conventions and federal patronage.

Pick the winner of the presidential derby, give him the votes of your state and control for yourself, family and friends the local federal patronage, is, unfortunately, the goal for which too many Southern Republicans strive, and have been taught to strive by some of their national leaders; rather than to win elections at the polls. Under these circumstances it is but natural that the habit should be formed of viewing the proposition of party politics from that standpoint. Why censure Southern factionalism, when this policy is its very prolific breeding place? One other legitimate effect of it is, that, not only do the national leaders not look for any material increase in the voting strength of the party, but many of the so-called "organizations" in the South, which are generally treated with for votes in the conventions, and allowed to control patronage, do not really desire that there should be any increase in the voting strength of the party, for the very patent reason that thereby Othello's occupation, with its incidents, would be endangered.

These things are fully understood by Democrats who are out of joint with their party, and they would hardly feel that they were a part of the national Republican household by an affiliation with the Southern branch of it as mere voters, and have no stomach for such a scramble as is necessary to become an influential member of "the organization."

Southern delegates to conventions are singled out and ridicule is

heaped upon them. It is an old and humorous story told of a negro delegate, after he had sold for fabulous prices all his ticket for seats in the convention hall—as an incident, his vote was supposed to go for the candidate of the gentleman who purchased his tickets—upon trying vainly to get another ticket from a brother delegate, and being refused, indignantly said, “I like an honest man.” Thereupon being asked what he called an honest man said, “one who, when he’s bought will stay bought.”

It is authentically stated that in this traffic there was on one occasion a certain gentleman who had the prefix of “General” to his name, who procured a large pair of shears, and when he purchased any of these convention seat tickets he would cut in half bright crisp and juicy legal tender notes of the United States government, giving one part of the bill to the delegate and giving him to understand that he had an equity of redemption in the retained portion, as soon as certain formalities of balloting were concluded.

If there is any truth in these persistent publications, rumors and reports of the venality and unreliability of delegates from the South to national conventions, let the fact be viewed in the light of the treatment extended to them by the dominant portion of their party. I daresay that there is probably much less money used in the South unlawfully, for political purposes, than in many other sections which escape notice because of the habit of “unloading on the south.” The South is held up to view as a “rotten political borough,” a character which was forced upon it during the ordeal of reconstruction, and so far as the Republican portion of it is concerned was again forced upon it in 1876.

The administration of Mr. Arthur, and the use made of the local federal patronage to control the delegates from the South for his nomination, must still be fresh in the minds of those who take any interest in political affairs.

The industrial growth and development of the South since the war has been something phenomenal, but the movement along political lines has been and perhaps, still is, of a retrograde character. We have failed to appreciate, or at least failed to show by our action that we appreciate the influence of political parties as instrumentalities to improve the material conditions of daily life, and for the development of the resources of our country.

President Roosevelt in his initial message to the present session of congress, in speaking of technical and industrial education, says: “It would be impossible to overstate (though it is of course difficult quantitatively to measure) the effect upon a nation’s growth to greatness of what may be called organized patriotism, which necessarily includes the substitution of a national feeling for mere local pride, with as a resultant a high ambition for the whole country. No country can develop its full strength so long as the parts which

make up the whole each put a feeling of loyalty to the part above the feeling of loyalty to the whole. This is true of sections and it is just as true of classes."

Let me commend to my fellow Republicans of the country the study and application of the above language of the president to our political and party conditions.

The people of the South are, perhaps, more influenced in their political action by sentiment, than are the people of any other section of the country. Mr. Taft correctly appreciates the influence of habit and tradition upon their political conduct, but he gets the cart before the horse, when he practically insists that we of the South shall become a majority party at the polls before we receive the attention of the appointing power, and our brethren in Republican states. We can never become a majority party until the policy in dealing with us is changed.

He advises that the Southern Republicans should appeal to "the business interests, to the men who read aright the signs of the times." This appeal has been, and is constantly being made, and there are many, very many of these men who sincerely wish to see the national Republican party remain in power; and yet, and yet, they continue to vote the Democratic ticket. Why? Habit, environment, tradition, and the low estate assigned to the local Republican party by their dominant brethren.

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## II.

"I'm willing a man should go toll'able strong  
 Agin' wrong in the abstract, for that kind o'wrong  
 Is always unpop'lar, and never gets pitied,  
 Because it's a crime no one ever committed."

The metes and bounds of the everlasting question of the mutual and reciprocal burdens, obligations, powers and privileges of government and citizenship have never been staked off with sufficient accuracy to command the acquiescence of all parties, under the constantly changing conditions of life. The vast, nay limitless, field of theory and speculation occupies so much of our thought, and encroaches so upon what is really practical and tangible, that that which is really practical to be done in the way of improving government, is colored and toned by theory and speculation proceeding from the numberless sources of education, environment, tradition and prejudice.

The finished product of all endeavors in the direction of improving popular government is the result of a compromise. The correction even of admitted abuses which have crept into administration, or are discovered to have been inherent in the system of government

adopted, must generally come as a compromise of some sort, after long periods of dissention and unrest.

The term itself, government, conveys different impressions and meanings to different minds. This impression is made still more various and confused when the term "party" is joined with the term "government." The impression we receive in considering any foreign country and its government is in some way different from that we have in considering our own country and government.

Chief-Justice Chase in the case of *Texas against White* 74 U. S. Rep. in considering the significance of the word "State," says:

"It describes sometimes a people or community of individuals united more or less closely in political relations, inhabiting temporarily or permanently the same country; often it denotes only the country or territory, inhabited by such a community; not unfrequently it is applied to the government under which the people live; at other times it represents the combined idea of people, territory, and government."

"In the constitution the term state most frequently expresses the combined idea just noticed, of people, territory, and government. A state, in the ordinary sense of the Constitution, is a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution, and established by the consent of the governed. It is the union of such states, under a common constitution, which forms the distinct and greater political unit, which that constitution designated as the United States, and makes the people and states which compose it one people and one country."

We do not, perhaps, appreciate the part played by political parties as instrumentalities of government in other countries, nor does the above quotation take those in our own country into consideration. Our party association, an association formed and maintained too frequently by local conditions and prejudices which are hardly consistent with national patriotism, gives color and tone to our view of our own country and government. The very names of our leading parties and the theory of our government add to the general confusion. Again our national legislation is so largely the work of committees composed in their membership of representatives of both political parties; and their work is so essentially joint, and the result of compromise, that it is difficult for either party in any given instance to justly claim sole credit for any beneficial measure, or to avoid altogether responsibility, in some degree, for legislation which proves to be unpopular, or which fails to adjust according to popular demands the evils it is designed to remedy, or falls short in conferring the blessings intended. The majority party it is true is in a general sense held responsible. But this is often very unjust. It is certainly a fallacious rule of judgment except in those instances where the measure becomes a strictly party one, by reason of its nature, and the fact that each party seeks to bind its members in support or op-



position by caucus action. Amendments to the measure after it has been reported, and after caucusses have been held, may even then, on the floor or in conference, materially change its status, and the responsibility of parties, and of individuals. The putative father may after all be innocent.

The Republican party, the heir and successor of the federalist, and Whig parties, fails in every election to receive the support of many thousands of voters who were old Whigs. Particularly is this true in the South. They believe, theoretically, in the same principles of government that brought the federalist and whig parties into existence, but they vote the Democratic ticket, which is practically acting as different from their beliefs and political principles as is possible under existing conditions. This inconsistency and contradiction in conduct and faith is based upon local sentiment and prejudices, and lack of faith in the Republican party as a national party; as the legitimate and worthy heir of the federalist and whig parties.

It would require a vast deal of special pleading for either the Republican or Democratic party of the present day to justify their mutual pretensions and claims of being a national party, or rather to acquit themselves of the charge of being frequently actuated, in national conventions, and in congress, by local and sectional impulses.

We cannot separate in this country our ideas of government from our ideas of party. However foreign to the ideas of our ancestors who framed our written constitution—not, of course, meaning in this reference all of the Amendments thereto after the civil war—the fact is that ours is a party government.

Mr. James Bryce, the present ambassador from England to this country, in his work, "The American Commonwealth," among many other valuable comments on the party system in this country, says:

"The spirit and force of party has in America been as essential to the action of the machinery of government as steam is to a locomotive engine; or, to vary the simile, party association and organization are to the organs of government almost what the motor nerves are to the muscles, sinews, and bones of the human body. They transmit the motive power, they determine the directions in which the organs act. \* \* \* It is into the hands of the parties that the working of the government has fallen. Their ingenuity, stimulated by incessant rivalry, has turned many provisions of the constitution to unforeseen uses, and given to the legal institutions of the country no small part of their present color.

"In the United States, the history of party begins with the Constitutional convention of 1787 at Philadelphia." Mr. Bryce then briefly reviews the history of parties in the United States down to the election of 1876, and says: "A new era was opening which called either for the evolution of new parties, or for the transformation of the old ones by the adoption of tenets and the advocacy of views suited to the needs of the times. But this fourth period, which began with 1876, has not yet seen such a transformation, and we shall therefore find, when we come to examine the existing state of parties, that there is

an unreality and lack of vital force in both Republicans and Democrats, powerful as their organizations are."

\* \* \* \* "What are their principles, their distinctive tenets, their tendencies? \* \* \* \* "Neither party has any principles, any distinctive tenets. Both have traditions. Both have tendencies. Both have certainly war cries, organizations, interests enlisted in their support. But those interests are in the main the interests of getting or keeping the patronage of the government. Tenets and policies, points of political doctrines and points of political practice, have all but vanished. They have not been thrown away but have been stripped away by time and the progress of events, fulfilling some policies, blotting out others. All has been lost, except office or the hope of it."

\* \* \* \* "When life leaves an organic body it becomes useless, fetid, pestiferous; it is fit to be cast out or buried from sight. What life is to an organism, principles are to a party. When they which are the soul have vanished, its body ought to dissolve, and the elements that formed it be re-grouped in some new organism:

"The times have been

That when the brains were out the man would die."

"But a party does not always thus die. It may hold together long after its moral life is extinct. Guelfs and Ghibelines warred in Italy for nearly two centuries after the Emperor had ceased to threaten the Pope, or the Pope to befriend the cities of Lombardy. Parties go on contending because their members have formed habits of joint action, and have contracted hatreds and prejudices, and also because the leaders find their advantage in using these habits and playing on these prejudices. \* \* \* \* The mill has been constructed, and its machinery goes on turning, even when there is no grist to grind. \* \* \* \*

These criticisms were made by this distinguished man some years ago, but they have lost none of their force. Time has only proved their truth and justice.

Issues with a sentimental feature attached seem to influence our people more than others, than those which may be called more strictly economic.

Such an issue, for instance, is the so-called race question, frequently spoken of as one of the "white man's burdens;" a burden which is increased in weight and irritation by party attitude towards it.

It is not my purpose here to enter into a discussion of the various phases of this question, only some of those phases.

The political status of the colored race is not so difficult to define theoretically, what it actually is in practice is another matter. The sphere of the colored man's influence upon the political institutions and practices of our country was greatly changed by his emancipation. The declaration of his status made by the constituted authorities of the government, may be enumerated as the emancipation proclamation, the thirteenth, fourteenth, and the fifteenth amendments to the Constitution, and the enforcement acts of congress.

The manner in which these amendments became part of our organic law; the manner in which the Fifteenth Amendment has now

become practically a dead letter: the spirit of the enforcement acts, and the methods pursued in executing them: the bitterness of feeling then engendered, and the modern demagogic party efforts to keep this feeling alive, have unfortunately fixed upon each party an undesirable character in dealing with this question.

Is it as some say, a national question, and if so in what sense? Before what national tribunal is it pending, and in what form? The enforcement acts have been declared unconstitutional, but before this decision was reached they had already sown a bountiful crop of discord and confusion, the harvesting of which is not yet over. What availeth it to declare a man innocent after he has been executed? Let me quote from Mr. Woodrow Wilson's "History of the American People," Vol. 5, p. 130:

"Slowly cases tried under the various enforcement acts which had been meant to secure the negroes against interference and intimidation in the exercise of their civil rights crept up, by appeal, to the Supreme Court of the United States and began one by one to be reached on its interminable docket; and in each case the court declared the powers congress had assumed in those acts clearly incompatible with the constitution. The rights of the negroes to assemble and to bear arms, for example, which congress had sought to protect and which they enjoyed, the court declared, as citizens of the states, and it was not competent for congress or the federal courts to punish individuals who interfered with it. The power conferred upon congress by the thirteenth, fourteenth and fifteenth amendments, to secure the negroes' equality of civil rights with the whites, was, it decided, a power given to be exercised in restraint of the states, not against individuals, as the act against the "conspiracies" of the Ku Klux had used it, and the states, not the federal government, must punish those who sought to destroy that equality.

"The legislation which General Grant had put so energetically into execution was unconstitutional and void. But it was 1882 before that sweeping conclusion was reached; the acts had been executed long ago and their consequences were complete. Only the thought of constitutional lawyers and the course to be pursued by the federal government for the future were cleared by the belated decisions."

On February the 8th, 1894, congress passed an act under the following title: "An Act to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes."

The fifteenth amendment is now practically admitted by all patriotic and thinking people, of both parties, to have been a gigantic blunder. All so-called "force bills" met their Waterloo when the Lodge bill was finally defeated. These things would seem to indicate an end of congressional activity along these lines.

An acquiescence in the recent constitutional amendments in the Southern states restricting suffrage confirms this conclusion. Nay, those amendments cannot be reached by a direct assault. The "grandfather clause" is not, *per se*, unconstitutional. It does not in terms

discriminate against the colored man in such a manner as to incur the condemnation of the fifteenth amendment.

Whatever discriminations are made against the colored man as a political factor will in the future as they have been chiefly in the past, be made in practice and not in constitutional provisions, and legislative acts; will be chiefly local and not general in extent; will be difficult of detection, and almost impossible of legal proof, for the election officers who perpetrate these wrongs will be upheld in their action by their party associates. Even if these obstacles are surmounted, the question will ultimately come up for decision in some contest for a seat in congress, and will fall on ears more or less attentive, according to the need of a working party majority in that branch of the government. The decision will arouse at most a short lived discussion; will be regarded as a temporary expedient, and may be reversed by the majority in the next house, or at least overlooked and ignored.

Each house is by the constitution made the sole judge of the election and qualification of its own members; and while there is a general harmony in the legal principles involved in contests decided by each house, the "party principle" is sometimes conspicuously prominent, and proves itself more than a match for law and equity. The unavoidable presence of this party principle, in some degree, in all such contests, deprives the decision of that full faith and credit which should always be given a judicial decision. They are very largely regarded as political decisions, that is decisions made, *pro hac vice*, by partisan majorities. It is almost impossible that the questions should arise in any such form that we can get a decision on the merits from any of our higher courts, for they are so essentially political questions. The political tribunals of the government have jurisdiction of them.

Some of the practices resorted to to silence the colored vote in the South, other than the fraudulent falsification of election returns, are enumerated in Mr. Wilson's History, Vol. 5, p. 137:

"Every device known to politicians, every plan that could be hit upon that politicians had never before been driven to resort to, was made use of to reduce or nullify the negro vote. It was a great advantage to the men who had regained their power in the South that the whole machinery of elections, at least, was again in their hands. They had never before made such use of it. The older traditions that surrounded the use of the ballot in the South were of the most honorable sort. But the poison of the reconstruction system had done its work—no man any longer found it hard to learn methods of mastery which were not the methods of law or honor or fair play. The new election officers found many excuses for rejecting or ignoring the negroes' voting papers. Voting places were often fixed at points so remote from the centers of population that only a small proportion of the negroes could reach them during the hours for voting; or were changed without notice so that only the white voters who had been in-

formed could find them readily. In some cases separate ballot boxes were used for the several offices to be filled at the elections, so lettered that the illiterate negroes distinguished them with difficulty and so shifted in their order from time to time that the sequence in which they stood was constantly being changed, and no vote was counted which was not put into the right box. In districts where the negroes mustered in unusual numbers too few voting places were provided, and the voters were prevented from casting their ballots rapidly by premeditated delays of all sorts, so that the full vote of the district could not be cast."

These practices are still in vogue to some extent in certain sections of the South, though they are no longer necessary in those states where there have been amendments to the constitution in the form of the so-called "grandfather clause." There is now no real call for the national Republican party to go into hysterics or convulsions on the subject of the negro vote. In North Carolina, certainly a majority of those who are able to vote under the new constitution, vote the Democratic ticket. The new generation of the colored race do not feel any unusual, any overpowering obligation to the Republican party. It is a mistake for the party to assume that it has any lien on their vote.

The question then is not pending before any national governmental tribunal, except as issues involving it may arise in contests for seats in the house of representatives.

It is not pending in any form before any of the executive departments.

The Brownsville investigation gives it a certain, or rather an uncertain status before the senate. This investigation involves the question whether a few individuals have been treated wrongfully and unlawfully by an executive order. If wrong was done, it is not alleged or believed by any one that it was done on account of the color or race of the individuals. The fact of their being colored men, and the fact of a presidential election being near at hand, afford some ground for speculation and more or less high sounding talk. The American eagle utters a few timely shrieks. The brother in black renews some old acquaintances and forms some new ones; sits up and takes some notice on the eve of a national convention; doesn't feel that the rights of his race are particularly involved in all this, and has a vague suspicion that he is possibly being used as a cat's paw. No one can seriously contend that the Brownsville investigation had in its inauguration, or now has hardly any other than a political complexion. Are not these agitations of the race question some of the remnants of the policy of Mr. Stevens?

"The dominance of the negroes in the South was to be made a principle of the very constitution of the union" (speaking of the 13th, 14th and 15th amendments) \* \* \* \* "The price of the policy to which it gave the final touch of permanence was the temporary disintegra-

tion of Southern society and the utter, apparently the irretrievable, alienation of the South from the political party whose mastery it had been Mr. Stevens' chief aim to perpetuate."

\*       \*       \*       \*       \*       \*

"It began to be plainly evident to all who were willing to look facts in the face what Mr. Stevens and his radical colleagues had really accomplished by their policy of Thorough. They had made the white men of the South implacable enemies, not of the Union, but of the party that had saved the Union and which now carried its affairs in its hands. Their reconstruction, whose object had been not the rehabilitation of the Southern governments, but the political enfranchisement of the negroes, had wrought a work of bitterness incomparably deeper, incomparably more difficult to undo, than the mere effects of war and the virtual conquest of arms. They had made the ascendancy of the party of the Union seem to the men of the South nothing less than the corruption and destruction of their society, a reign of ignorance, a regime of power harshly used; and this revolt, these secret orders with their ugly work of violence and terror, these infinite, desperate shifts to be rid of the burden and nightmare of what had been put upon them, were the consequence." (Wilson's History, Vol. 5, pp. 58, 77).

As a national question it concerns all to see that the colored people are given equal opportunity and protection in law and in practice. As a national question, it concerns numerous philanthropic and educational societies which are only remotely if at all connected with the government, national or state. As a national question it is pending before the forum of the national conscience, and calls for fair dealing by and towards them as a race and as individuals. As a national question it calls upon the patriotism and the conscience of both political parties to be removed from the list of questions dealt with in a partisan and sectional spirit.

As a local question it is all of what is said above, and it is more. It is pending before every state legislature where the colored people are numerous in the form of a claim and an obligation for the appropriation of money for the establishment and maintenance of schools and asylums; and before the authorities of every county for the establishment of homes for the feeble, the poor, and the aged. Their education is not a national governmental question. The national government is under no obligation to furnish them the means or the opportunity for acquiring an education.

As a labor question it is essentially local, and governed by local laws and customs of contract and agreement.

As a social question it is beyond the power of national or state control. That is a matter for the individual to decide. A man is usually able to choose his companions and associates, and like water, he generally finds his level.

It is a perniciously active political and party question, and in this sense is both national and local. The Republican party gave it, in the days of reconstruction, a national sphere of influence, and though

this has gradually dwindled until it now reaches no further than a nominating convention, and the possible control of the colored vote in a few doubtful states, this question has perhaps enabled the Democratic party to save its life nationally and locally. To them it has been a life preserver and they struggle to retain it. To Southern Republicans it has been like the old man of the sea who could not be shaken off. It has benefited some individual members of the national Republican party, and it may benefit some more. It has benefited many members of the Democratic party, and that party will probably continue for some time to draw dividends, and inspiration from this source. But to the country at large it has been and is, as a political question, a curse. It is a demoralizing and corrupting influence upon the politics of the country in that it has lowered party ideals and perverted party principles and practices.

It has led to a greater wrong than that which conferring the ballot on the colored man sought to correct. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude," is the language of the fifteenth amendment. The inhibition is that he shall not be discriminated against on account of his race, color, or previous condition of servitude. So far so good, very fine. The result of all this is that the entire South is discriminated against in national legislation and influence, the brother in black along with the balance. In regulating the elective franchise he shall not be discriminated against as a class, but since the country is controlled by political parties, and since Mr. Stevens' plans of making the South permanently Republican by the aid of the negro vote have miscarried, the fact of the negro's being a political factor, has led to a discrimination against a vast section of the country, and embracing many classes. That vast section embracing eleven states which attempted to secede from the Union, and which now sends twenty-two Democratic senators to congress, and ninety-five Democratic representatives; which furnishes one hundred and twenty Democratic votes in the electoral college; and which sends two hundred and forty delegates to the Republican national convention; this vast section representing so much in industrial wealth is discriminated against.

No political discrimination against classes as such in regulating voting privileges. No invidious distinction as between sheep and goats. Oh, no. Sacrifice the whole herd. Wall off the pasture.

The industrial growth and development of this Southland within the past quarter of a century has been something phenomenal.

Mr. Samuel Spencer, the late president of the Southern Railroad, in a public address shortly before his tragic death said, "The South has entered upon a period of increased production in agriculture and in manufactures, and of general industrial and commercial activity, such as her best friends and most enthusiastic prophets had scarcely

dreamed of fifteen years ago. Within that period the cash value of her cotton crop has doubled, the amount of pig iron produced at her furnaces has increased more than threefold. Cotton factories have sprung up within her borders to the extent that more of her cotton crop is now manufactured on her own soil than in all the mills of New England. The total value of her annual manufactures now aggregates nearly eighteen hundred millions in value. The total value of her agricultural products is now over seventeen hundred millions per annum."

Mr. W. W. Finley, the successor of Mr. Spencer as president of the Southern Railway, supplements this statement in a public address in reference to the affairs of his company, as follows:

"This increase is likewise indicated in the volume of traffic handled by this company. In 1895 the number of freight tons carried one mile was 1,098,932,884, while in 1906, the number of tons carried one mile was 4,488,915,839, showing an increase of over 300 per cent., or, allowing for the increased mileage, an increase of over 128 per cent., while in 1895, the number of passengers hauled one mile was 178,015,925 as against 549,518,645 in 1906, showing an increase of over 200 per cent., or allowing for the increased mileage, an increase per mile of road of over 80 per cent. Nowhere in the United States, except in the two states of the extreme Northwest, Washington and Oregon, has there been such industrial development as in the South."

Statistics from other railroads doubtless show a corresponding increase in their business. These are but sign boards on the road of progress. And yet this great section of this country has not the proportionate representation and influence in the conduct of and in shaping the policy of the government that Ireland has in the English government. Ireland is at least accorded a chief secretary in the ministry of that government in addition to her members of parliament. The South has not a member of the cabinet, and in every congress encounters attempts to legislate in hostility to her interests. Political parties are solely responsible for this condition of affairs. It is no solution of the difficulty to attempt to fix responsibility on the Republican party or on the Democratic party, they are jointly and perhaps equally responsible.

The Democratic party seems willing to sacrifice everything to maintain its local supremacy in the South, and the Republican party seems willing to give them all the aid they need in the accomplishment of this glorious object. It seems agreed by both sides to operate politically in the South under a suspension of all rules.

Secretary Taft gravely tells the country that, "In my (his) judgment the Republican party of North Carolina (and he doubtless meant this as descriptive of the South generally), would be much stronger as a voting party if all the federal offices were filled by Democrats."

That seems to be an Ohio idea. Mr. Hayes made some experiments along this line without achieving any very brilliant results. The man



whose political affiliation is secured by the gift of an office, is in the market to the highest bidder, and generally returns to his former affiliation, or shifts to a more lucrative one as soon as his tenure of office expires. I do not mean here to discourage the recognition of new converts to the faith; only to suggest that the fibre of that faith which comes into action so haltingly is a legitimate subject of inquiry. Not a disbarment or a disqualification for office, that he is a new convert, and he should not be discriminated against as a class.

Mr. Taft admits the fact that the South has not that influence in governmental affairs that she should have. " \* \* \* The real hope of the South is in having a number of her states break from the Democratic column and assert their independence of past political traditions in order that this section may be accorded that importance in national matters to which her population, her wealth, and her intelligence entitle her." If her population, her wealth, and her intelligence have not secured for her the measure of influence to which she is entitled, what other resources or qualification does she need? The only conclusion to be reached is that she is excluded on account of politics, and by the action of political parties.

We must face the conclusion that it is a "political heart" which pumps vitality into this race question in our body politic. That under our constitution and laws it must be dealt with by the political departments of our government.

"Earth is sick,  
And Heaven is weary, of the hollow words,  
Which states and kingdoms utter when they talk of truth and justice."

Chief Justice Taney, in the case of *Luther vs. Borden et al.*, in U. S. Rep. 48, says: "Much of the argument on the part of the plaintiff turned upon political rights and political questions, upon which the court has been urged to express an opinion. We decline doing so. The high power has been conferred on this court of passing judgment upon the acts of the state sovereignties and of the legislative and executive branches of the federal government, and of determining whether they are beyond the limits of power marked out for them respectively by the constitution of the United States. This tribunal, therefore, should be the last to overstep the boundaries which limit its own jurisdiction. And while it should always be ready to meet any question confided to it by the constitution, it is equally its duty not to pass beyond its appropriate sphere of action, and to take care not to involve itself in discussions which properly belong to other forums." No one, we believe, has ever doubted the proposition that, according to the institutions of this country, the sovereignty in every state resides in the people of the state, and that they may alter and change their form of government at their own pleasure. But whether they have changed it or not by abolishing an old government, and establishing a new one in its place, is a question to be settled by the political power. And when that power has decided, the courts are bound to take notice of its decision and follow it."

If an attempt is made to invoke the power of the courts, in solving and adjusting these inequalities of citizenship by grafting a political

right on a civil right, and alleging the infraction of both, it is a long, rocky and expensive road to travel: a journey not apt to be undertaken by an individual alone. He wants and must have company. Therefore there must be some concerted action by those similarly wronged. A number of individuals must feel that the initiative rests with them. Assuming the concurrence of favorable circumstances, willingness to undertake the journey and ability to meet the expenses: if you elect to bring an action for money damages for the deprivation of a political or a civil right, or both, the chances are that if you finally get a judgment, the execution could not find anything with which to satisfy the judgment. What judgment could the court render that would establish the political right?

Some of the difficulties encountered in an effort to hit the target may be seen by referring to the case of *Mills vs. Green*, a South Carolina case reported in U. S. Rep. 159. Mr. Justice Gray, delivering the opinion, says:

"In the case at the bar, the whole object of the bill was to secure a right to vote at the election, to be held, as the bill alleged, on the third Tuesday of August, 1895, of delegates to the constitutional convention of South Carolina. Before this appeal was taken by the plaintiff from the decree of the Circuit Court of Appeals dismissing his bill, that date had passed, and, before the entry of the appeal in this court, the convention had assembled, pursuant to the statute of South Carolina of 1894, by which the convention had been called. \* \* \* The defendant moved to dismiss the appeal, assigning as one ground of his motion, that there is now no actual controversy involving real and substantial rights between the parties to the record, and no subject-matter upon which the judgment of this court can operate.

"We are of opinion that the appeal must be dismissed upon this ground, without considering any other question appearing on the record or discussed by counsel.

"The duty of this court, as of every other judicial tribunal, is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it. It necessarily follows that when, pending an appeal from the judgment of a lower court, and without any fault of the defendant, an event occurs which renders it impossible for this court, if it should decide the case in favor of the plaintiff, to grant him any effectual relief whatever, the court will not proceed to a formal judgment, but will dismiss the appeal."

The above decision is modified by a divided court in the case of *Giles vs. Harris*, 189 U. S. Rep. Mr. Justice Holmes, delivering the opinion, says:

"This is a bill in equity brought by a colored man, on behalf of himself, and on behalf of more than 5,000 negroes, citizens of the county of Montgomery, Alabama, similarly situated and circumstanced as himself, against the board of registrars of that county. \* \*

"This election has gone by, so that it is impossible to give specific relief as to that. But we are not prepared to dismiss the bill or the appeal on that ground, because to be enabled to cast a vote in that

election is not, as in *Mills against Green*, 159 U. S., the whole object of the bill. It is not even the principal object of the relief sought by the plaintiff. The principal object of that is to obtain the permanent advantages of registration as of a date before 1903. \* \* \*

"The difficulties which we cannot overcome are two, and the first is this: The plaintiff alleges that the whole registration scheme of the Alabama constitution is a fraud upon the constitution of the United States, and asks us to declare it void. But of course he could not maintain a bill for a mere declaration in the air. He does not try to do so, but asks to be registered as a party qualified under the void instrument. If then we accept the conclusion which it is the chief purpose of the bill to maintain, how can we make the court a party to the unlawful scheme by accepting it and adding another voter to its fraudulent lists? If a white man came here on the same general allegations, admitting his sympathy with the plan, but alleging some special prejudice that had kept him off the list, we hardly should think it necessary to meet him with a reasoned answer. But the relief cannot be varied because we think that in the future the particular plaintiff is likely to try to overthrow the scheme. If we accept the plaintiff's allegations for the purposes of his case, he cannot complain. We must accept or reject them. It is impossible simply to shut our eyes, put the plaintiff on the lists, be they honest or fraudulent, and leave the determination of the fundamental question for the future. If we have an opinion that the bill is right on its face, or if we are undecided, we are not at liberty to assume it to be wrong for the purposes of decision. It seems to us that unless we are prepared to say that it is wrong, that all its principal allegations are immaterial and that the registration plan of the Alabama constitution is valid, we cannot order the plaintiff's name to be registered. It is not an answer to say that if all the blacks who are qualified according to the letter of the instrument were registered, the fraud would be cured. In the first place, there is no probability that any way now is open by which more than a few could be registered, but if all could be the difficulty would not be overcome. If the sections of the constitution concerning registration were illegal in their inception, it would be a new doctrine in constitutional law that the original invalidity could be cured by an administration which defeated their intent. We express no opinion as to the alleged fact of their unconstitutionality beyond saying that we are not willing to assume that they are valid, in the face of the allegations and main object of the bill, for the purpose of granting the relief which it was necessary to pray in order that that object should be secured.

"The other difficulty is of a different sort and strikingly reinforces the argument that equity cannot undertake now, any more than it has in the past, to enforce political rights, and also the suggestion that state constitutions were not left unmentioned in Sec. 1979 R. S. by accident. In determining whether a court of equity can take jurisdiction, one of the first questions is what it can do to enforce any order that it may make. This is alleged to be the conspiracy of a state, although the state is not and could not be made a party to the bill. *Hans vs. Louisiana*, 134 U. S. 1. The Circuit Court has no constitutional power to control its action by any direct means. And if we leave the state out of consideration the court has as little practical power to deal with the people of the state in a body. The bill imports that the great mass of the white population intends to keep the blacks from voting. To meet such an intent something more than ordering the plaintiff's name to be inscribed upon the lists of 1902

will be needed. If the conspiracy and the intent exist, a name on a piece of paper will not defeat them. Unless we are prepared to supervise the voting in that state by officers of the court, it seems to us that all that the plaintiff could get from equity would be an empty form.

"Apart from damage to the individual, relief from a great political wrong, if done, as alleged, by the people of a state and the state itself, must be given by them or by the legislative and political department of the government of the United States."

It has been held that the first section of the fifteenth amendment is self-executing, and that of its own force it renders void all legislation which discriminates against citizens of the United States on account of their race, color, or previous condition of servitude. As before pointed out, however, such discriminations as are made are made in practice and not in legislation.

The main and difficult question is how to reach and correct the wrongs of practice; wrongs which all hands publicly decry, and which both parties all over the country quietly countenance and connive at. Political wrongs are by no means confined to the South. They may and doubtless do differ in character. It is a wrong of no less magnitude to segregate the voters "into blocks of five with funds to handle them," and it is more insidious and demoralizing than the changing of voting precincts without adequate notice to all the voters, shifting the ballot boxes during the day, or even the falsification of the returns. Fewer men are corrupted by these practices than by wholesale bribery. Are our brethren in other sections of the country, therefore, in a condition to throw stones? They cut a ludicrous caper when they attempt it. They are tarred with the same stick.

I do not believe that corrupt election practices prevail throughout the country to any such extent as to call for any general legislation on the subject. The decision of particular contests seems to be all that needs be anticipated. And after all is said, deplorable as are the corrupt election practices in the country, they must find their speediest and surest correction in the development of a healthy and patriotic local sentiment on the subject.

The recent constitutional amendment in North Carolina has most certainly improved political conditions. It has emancipated many white Democrats, and the party lash is not so terrible as it once was. If, therefore, the assumption is correct, that no general legislation by congress, such as was attempted in the so-called "force-bills" need be apprehended, so long as conditions do not become much worse than they are now; it is equally correct to assume that congress will not attempt to interfere with, and regulate the conditions prevailing in any particular state, under the provision of Article IV, Section 4, of the Constitution:

"The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them

against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence."

It is difficult to conceive of conditions which could make this provision the basis of congressional interference, except in the case of armed revolution, with which the state authorities were not able to cope.

Alexander Hamilton in advocating the adoption of this provision, says, in the *Federalist*, XXI:

... "The inordinate pride of state importance has suggested to some minds an objection to the principle of a guarantee in the federal government, as involving an officious interference in the domestic concerns of the members. A scruple of this kind would deprive us of one of the principal advantages to be expected from union; and can only flow from a misapprehension of the nature of the provision itself. It could be no impediment to reforms of the state constitutions by a majority of the people, in a legal and peaceable mode. This right would remain undiminished. The guarantee could only operate against changes to be effected by violence."——

Action has time and again been invoked under this provision, in cases in the courts, one of the latest being that of *Taylor vs. Beckham*, from Kentucky, 178 U. S. Rep. Chief Justice Fuller in delivering the opinion of the court, says:

"It was long ago settled that the enforcement of this guarantee belonged to the political department" . . . "We must decline to take jurisdiction on the ground of deprivation of rights embraced by the fourteenth amendment, without due process of law, or of the violation of the guarantee of a republican form of government by reason of similar deprivation."

Again, on this subject, Chief Justice Taney in *Luther vs. Borden*, says:

"It is the province of the court to expound the law, not to make it. And certainly it is no part of the judicial functions of any court of the United States to prescribe the qualification of voters in a state, giving the right to those to whom it is denied by the written and established constitution and laws of the state, or taking it away from those to whom it is given; nor has it the right to determine what political privileges the citizens of a state are entitled to, unless there is an established constitution or law to govern its decision."

The political powers of the government acted under this provision in passing on the credentials of senators and representatives from the states that had been in insurrection during the civil war; and it was potent in securing the amendments to the constitution of those states. But we are all now happily reunited, and the power of this provision is slumbering. There is nothing on the horizon to indicate the probable occurrence of events in any state in the union to awaken it.

There is at almost every session of congress one or more bills introduced, which are founded on the second section of the fourteenth amendment, which is in these words:

"Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being 21 years of age, and citizens of the United States, or in any way abridged except for participating in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such state."

It has been held in the case of *McPherson vs. Blacker*, 146 U. S. R., that the right to vote herein referred to and intended to be protected, is the right to vote as established by the constitution and laws of the state. This provision therefore, provided, of course, it is a workable piece of constitutional machinery, can be invoked to reach many of the corrupt election practices. It is simply a question of whether they prevail to such an extent as to demand action by congress. The provision is penal in its nature. In modern times there are not a great many men prevented from voting who desire to vote, and are qualified to vote under the constitution and laws of the states in which they live. Intimidation to keep him away from the polls, or to prevent his voting, has given place to milder and more persuasive methods of influence. For numerous party reasons it is desirable that the vote polled shall be as large as possible. Representation in conventions is, by many of the plans of party organization, based on the vote polled. This is a great incentive for each county to send up a large vote. Her favorite son may need that strength in a nominating convention. Rivalries among party leaders induces each one to see that his county shows up with as large a vote polled, or returned, as possible. Where there are, as sometimes happens, fictitious votes returned, in order to increase the strength of some county, or some candidate in a nominating convention, then the unsuccessful ones, though they many have connived at similar practices, make the welkin ring with their lamentations.

It would practically require a census and special investigation of of the case of every supposed voter in the state, who failed to vote at the preceding election, before congress could, with any justice, reduce the representation of any state under this provision. The "stay at home" vote is large in almost every election, and it can by no means be sweepingly asserted that these "stay at homes" have had their right to vote "denied, or in any way abridged."

There has been some talk in the past, of changing the Republican

party's plan of organization, and reducing the representation of the Southern States in the national nominating convention; alleging as a reason for so doing that those states give no Republican votes in the electoral college to the party's candidate, and that they should not be allowed to hold in the convention a strength which might enable them to name the candidate. This talk shows a desire, in certain quarters, to still further discriminate against the South. Southern Republicans should not be intimidated or coerced by such talk. More independence, and more concert of action in national conventions is one thing Southern Republicans need to make their party at home stronger as a voting party. It is cowardly to exercise and enjoy ones political and party rights in a fawning manner. If they cannot be used in any other manner, then they ought to be abridged. Southern Republicans, can, indeed, do nothing that will more advance the cause of the South, generally, and of the Republican party in the South, than by taking a manly and independent stand in the national convention. If, as a result of such commendable conduct their representation in their party conventions should be reduced, they should welcome it. Discord and division, meanness and unreliability are characteristics which will more certainly invite a reduction of representation than unity and concord. There is a great future for the Republican party in the South, but local Republicans must inaugurate the movement for habilitation. Under existing conditions the first step in this direction must be taken at the national convention.

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"No wave on the great ocean of time, when once it has floated past us, can be recalled. All we can do is to watch the new form and motion of the next, and launch upon it to try in the manner our best judgment may suggest, our strength and skill."







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